THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

This opinion (1) was not written for publication and (2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MIKIHIRO IOKA
and MASATO KUROKAWA

Appeal No. 96-1328
Application No. 07/904,912[1]

ON BRIEF

Before CALVERT, KRASS, and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

DECISION ON APPEAL

BACKGROUND

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 1-11, all of the pending claims. We reverse.

---

[1] Attorney docket no. JA991-523. The application was filed 26 June 1992. Appellants claim the benefit of Japanese patent application 3-242329, filed 29 August 1991, but have not provided a certified priority document.

The application is entitled "Motion picture query system using abstract exemplary motions of a pointing device". Independent claims 9 and 10 illustrate the scope of the claimed subject matter:

> 9. A method for retrieving a desired motion picture scene stored in a motion picture processing system that includes means for storing motion specifications defining motions of objects appearing in stored motion picture scenes, and a device for inputting a desired query motion by tracing a path with said device as a function of time, wherein said method comprises the steps of:
>
> (a) generating a query motion specification in response to a change in position of said device;
>
> (b) comparing the generated query motion specification with stored motion specifications to identify matching specifications; and
>
> (c) accessing and displaying stored motion picture scenes associated with stored motion specifications that have been determined in step (b) to match the query motion specification.
>
> 10. An input system for inputting a query motion as a query condition for retrieving a desired portion of a stored motion picture, comprising:
>
> (a) a device for inputting motion data defining a query motion;
>
> (b) means for displaying a scroll bar having a length and an end position and representing the query motion, with the end position of the scroll bar indicating a starting time of said query motion and the length of the scroll bar indicating a duration of said query motion,
>
> (c) means for modifying the end position and length of said scroll bar; and

> (d) means, responsive to modification of the end position or length of said scroll bar, for modifying motion data corresponding to said scroll bar.

Although all of the independent claims contain elements subject to 35 U.S.C. § 112[6], neither Appellants nor the examiner has identified corresponding elements in the specification or their equivalents.

On appeal, the examiner maintains rejections under 35 U.S.C. § 103 on the basis of the following references:

Ochi	4,580,782	8 Apr. 1986
Watanabe	5,103,305	7 Apr. 1992 filed 26 Sep. 1990
Mills et al. (Mills)	5,237,648	17 Aug. 1993 filed 8 June 1990

Specifically, the examiner rejects claims 1-9 over the combination of Ochi and Watanabe and claims 10 and 11 over the combination of Mills and Watanabe. Appellants have grouped the claims according to these rejections for the purposes of this appeal. The examiner has withdrawn all rejections under 35 U.S.C. § 112.

Ochi discloses memory mapping schemes for one-dimensional memory system for generating images to display during, e.g., video games.

Watanabe discloses a moving object detection system for discerning a moving object in a given environment as part of, e.g., a robotic vision system.

Mills discloses a video editing system and a technique for directly manipulating video frame images to edit clips of video information.

DISCUSSION

During prosecution, claims are given their broadest reasonable interpretation consistent with the specification. In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983). We do not find the examiner's interpretation of these claims to be reasonable. He has ignored, without explanation, preamble language and elements subject to section 112[6]. As a consequence, the subject matter that the examiner deems to have been obvious has little relationship to the subject matter disclosed in the specification and set forth in the claims as it would be understood by one skilled in the art.

One skilled in the art would understand the claims to be necessarily directed to a motion image retrieval system using motions for queries. Nothing in the cited art individually or in combination teaches or suggests this subject matter.

DECISION

The examiner's rejections of claims 1-11 under section 103 are

REVERSED

IAN A. CALVERT Administrative Patent Judge	)
ERROL A. KRASS Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
RICHARD TORCZON Administrative Patent Judge	)

JACK M. ARNOLD
INTELLECTUAL PROPERTY LAW DEPT
IBM CORPORATION
PO BOX 218
YORKTOWN HEIGHTS, NY 10598